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09/848,608	05/03/2001	Andrej Gregov	249768044US1	5996
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/848,608

Applicant(s)

GREGOV ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 7-23 and 26-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 24, and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the Applicants' amendment filed on February 28, 2007. Claims 1-59 are pending. Claims 7-23 and 26-59 were withdrawn in a previous office action and remain withdrawn. Claims 1-6, 24, and 25 will be considered for examination.

### ***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and all intervening claims.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 6, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) ("Webber") in view of DeLorme et al. (US 5,948,040) ("DeLorme").**

Referring to claims 1 and 6: Webber teaches a method in a computing system for displaying to an identified user information about new products among an inventory of

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products, each product of the inventory having an availability date on which the product is first available for purchase, comprising:

- defining a range of dates, such that products whose availability dates fall within the range qualify as new products (col. 4, lines 9-16: *"The travel arranger can be an airline ticket or reservation agent, a travel agent or an individual traveler who uses an entry device such as a personal computer or a computer terminal to enter travel parameters identifying a customer (and therefore a travel policy) and a trip (e.g., a departure and arrival location and a departure and/or arrival time window)...."*; col. 6, lines 22-29; Figure 2, "31"). The examiner notes that an arrival / departure time window is a date range.
- subsetting the inventory of products to those products having an availability date on which the product is first available for purchase falling within the defined date range (col. 4, lines 24-37: *"The processor which forms a part of this exemplary embodiment of the invented system responds to the travel parameters entered by the travel arranger to machine-interrogate the tariff file in accordance with these parameters and the relevant contents of the rules file and to rapidly sift through what may be thousands of currently available flights, fares and rules for a given trip and to find the lowest fare for which the particular traveler and trip qualify and for which seats are available, automatically communicating as needed with the airline booking system. In particular, the processor uses the tariff file to automatically find all appropriate flights and itineraries for the trip time window and departure and arrival locations..."*; Figure 2, "32", "36");
- from among the subsetted inventory, automatically selecting products for display based upon predicted level of interest to the user (col. 4, lines 37-

46: "...automatically communicates with the airline reservation system (e.g., Apollo) to check seat availability on these flights, uses the tariff file to find the lowest fares for the itineraries for which seats are available, using the particular customer's travel policy and other traveler file information to apply that customer's travel constraints and trip parameter trade-offs to these possible itineraries and thereby select the least-cost itinerary which still conforms to that customer's travel policy..."; Figure 2, "40"; col. 3, lines 35-40); and

- adding information about the selected products to a display (Figure 2, "42").

Webber does not teach that the step of defining the range of dates is performed "automatically". Instead, Webber teaches that this step is performed manually.

However, it is well known in the art, and it would have been obvious to one of ordinary skill in the art, to perform the manual step of Webber automatically as evidenced by DeLorme. DeLorme teaches a travel reservation and planning system that defines a range of dates (i.e. start and finish date/times) automatically (col. 70, lines 33-46) in order to accomplish the same result as Webber (i.e. identifying available flights).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to automate the manual process of Webber because automating a manual process makes the operation much faster and efficient. Furthermore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to automate the step of defining the date range since it has generally been recognized that merely automating a manual activity which accomplishes the same result is not

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sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Referring to claims 24 and 25: Claims 24 and 25 are rejected under the same rationale as set forth above in claim 1.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) (“Webber”) in view of DeLorme et al. (US 5,948,040) (“DeLorme”) and further in view of Sobalvarro et al. (US 7,092,892 B1) (“Sobalvarro”).**

Referring to claim 2: Webber and DeLorme teach or suggest all the limitations of claim 1 as noted above. The cited prior art does not teach that the selecting is performed for products in each of a plurality of product categories. However, Sobalvarro teaches a method for grouping and selling products wherein a user selects products in each of a plurality of product categories (Figures 2N and 2O). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a hotel room, rent a car, and make a restaurant reservation while planning a trip, as suggested by Sobalvarro.

**Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) (“Webber”) in view of DeLorme et al. (US 5,948,040) (“DeLorme”) and further in view of Sobalvarro et al. (US 7,092,892 B1) (“Sobalvarro”) and Gerace (US 5,848,396).**

Referring to claim 3: The cited prior art teaches or suggests all limitations of claim 2 as noted above. The cited prior art does not teach selecting the plurality of product categories from a multiplicity of product categories based upon indications of interest by the user in the selected product categories. However, Gerace teaches a method for determining behavioral profile of a user wherein a plurality of product categories are selected from a multiplicity of product categories based upon indications of interest by the user in the selected product categories (col. 6, lines 22-39). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Gerace into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to customize a display for a particular user, as suggested by Gerace.

Referring to claim 4: The cited prior art teaches or suggests all limitations of claim 2 as noted above. The cited prior art does not teach information about each selected product is added in a section identifying the product category of the product. However, Gerace teaches this limitation (col. 6, lines 22-39). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Gerace into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to customize a display for a particular user, as suggested by Gerace.

***Response to Arguments***

Applicants' arguments have been fully considered but they are not persuasive. The Applicants have argued that the cited art does not teach or suggest automatically defining a range of dates, such that a product that is first available for purchase within the defined range qualifies as a new product (See Remarks page 13, lines 10-12). The examiner respectfully disagrees and notes that the Applicants' specification (See page 8, lines 11-15) states the following:

*Each item's effective date typically approximates the date on which item became available for purchase or consumption. For example, an item's effective date may be its release date, its publication date, its arrival date, its completion date, its receipt date or the date of some associated event, such as a holiday or anniversary.*

Thus the Applicants' specification teaches that the effective date (i.e. the date on which item became available) can be the release date or publication date. Therefore, the limitation "...the inventory having an availability date on which the product is first available for purchase..." is inherent in the disclosure of the cited prior art because the ticket must have become available (i.e. published or released) for purchase at some point in time otherwise the user would not have been able to purchase the ticket. For this reason, the examiner maintains the art rejection.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**NAEEM HAQ**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small upward flick.

May 2, 2007